

01-14-02

A

10/24/01
U.S. PTO

EXPRESS MAIL LABEL NO. EL685693709US
DATED: 24 October 2001

ATTY DOCKET: INXT 1018-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Commissioner of Patents
Washington, D.C. 20231

J1017 U.S. PTO
10/044711
10/24/01

Sir:

UTILITY PATENT APPLICATION TRANSMITTAL LETTER

Enclosed for filing is [] an original patent application or, [X] a continuation-in-part patent application by **CLARK BREYMAN and MARK DAVIS** for **METHOD AND APPARATUS FOR AUDITING TRAINING SUPERSETS**.

Also enclosed are:

- [X] 3 sheet(s) of [X] formal [] informal drawing(s);
- [X] 18 sheet(s) of specification/abstract;
- [X] 5 sheet(s) of claims;
- [] a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 in [] a separate document [] the declaration;
- [] a certified copy of the priority document;
- [X] Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- [] Applicant claims small entity status. See Rule 37 C.F.R. 1.27.
- [] [] a declaration of the inventor(s); [] combined declaration and power of attorney.
- [] Disclosure Statement, PTO-Form 1449 and ___ references.

The fee has been calculated as follows:

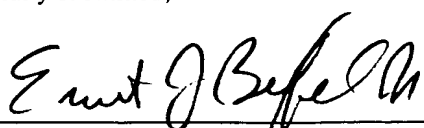
| CLAIMS | | | | | |
|--|---------------|------------|--------------|-------------|-----------|
| | NO. OF CLAIMS | | EXTRA CLAIMS | RATE | FEE |
| Basic Application Fee | | | | | \$740.00 |
| Total Claims | 34 | MINUS 20 = | 14 | X \$18.00 = | \$252.00 |
| Independent Claims | 2 | MINUS 3 = | 0 | X \$84.00 = | -0- |
| If multiple dependent claims are presented, add \$280.00 | | | | | -0- |
| Total Application Fee | | | | | \$ 992.00 |
| If small entity status is claimed, subtract 50% of Total Application Fee | | | | | -0- |
| Add Recording Fee of \$40.00 if Assignment document is enclosed | | | | | -0- |
| TOTAL APPLICATION FEE DUE | | | | | \$ 992.00 |

- [X] Check No. 1482 in the amount of \$ 992.00 is enclosed.
- [] Charge \$_____ to Deposit Account No. 50-0869.
- [] Fees will be paid when responding to the Notice to File Missing Parts.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0869 (INXT 1018-1). **Two copies of this transmittal letter are enclosed.**

Respectfully submitted,

Date: 24 October 2001

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 (phone)
(650) 712-0263 (fax)

By: 
Ernest J. Beffel, Jr., Reg. No. 43,489

CUSTOMER NO. 22470

10044711-102401

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|----------------------|---|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | CLARK BREYMAN et al. |
| | Title | METHOD AND APPARATUS FOR AUDITING TRAINING SUPERSETS |
| | Atty Docket Number | INXT 1018-1 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

24 October 2001

Date



Signature

ERNEST J. BEFFEL, JR. REG. NO. 43,489

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FOIA b 7 - Excluded